

## REMARKS

### **Summary**

Claims 1-22 were pending and Claims 1-7 and 12-21 were rejected in the present Office action; Claims 9-10 were objected to. Claims 1-8 and 11-21 have been amended and new Claims 60-68 have been introduced. No new matter has been added.

### **Claim Objections**

The Examiner called attention to the absence of a Claim 11 in the application as filed, and has proposed to re-number the claims. The Applicants have renumbered all of the claims having numbers greater than 10 by reducing the claim number and associated references by 1. In this response, the claim numbers refer to the re-numbered claims. The Applicants do not consider that this action constitutes a claim amendment and have not changed the status of the claims in the listing of the claims. Only claims having substantive changes are considered to have been amended.

Claims 9-10 were objected to as being dependent on a rejected base claim, but the Examiner indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants express appreciation to the Examiner for the prompt indication of allowable subject matter, but respectfully submit that the objections have been overcome by the amendments made in this response.

The Applicants respectfully call attention to the discrepancy between the treatment of Claim 8 in the summary of the Office action, where it is not mentioned and in items 1 and 9 of the Office action where, in one instance the claim appears to have been rejected, and in the other it is cited as being allowed. The Applicants respectfully submit that the discrepancy has been rendered moot by the amendments herein.

## **Claim Rejections**

### **35 U.S.C. § 102 (e)**

Claims 1-3, 7 and 13-21 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Libous et al. (US 20040183184; "Libous"). The Applicants have considered the Examiner's remarks and while believing that the rejection can be successfully traversed, have elected to amend the claims to more clearly state the subject matter claimed. The Applicants respectfully submit that these amendments are of the nature of broadening amendments and are not required for reasons of patentability.

Amended Claim 1 recites, *inter alia*, an array of capacitive elements at least partially surrounding the electrical device.

The Examiner identifies a capacitor in the reference formed by the metal plate 12, the power layers 62/63, and dielectric layer 50. (Libous [0023]). The Applicants have interpreted the Examiner's remarks as a preface, differentiating the capacitors identified by Libous from the identification of the element 22 also asserted to be a capacitor for use in an array. The Applicants respectfully traverse the characterization of element 22 as a capacitor.

In making the rejection of original claim 2, the Examiner states that "It is noticed that, besides the capacitance formed by the ground layer 12 and the power layers 62/63, the pad 22 (ground connected) is surrounded by power layers 62/63 thus inherently function[s] as a capacitor." (Office action, page 3) The drawings are not to scale. The relative sizes of elements 22 with respect to the spacing between element 22 and the power layers 62/63, or the relative diameter of element 22 with respect to element 72, or the spacing between the various layers, for example, cannot be determined from the drawings, and the text of the specification was not cited in support of the Examiner's assertion. The Applicants do not find any place in the text where the function of pad 22 is described as a portion of a capacitor, as characterized by the Examiner. A piece or pieces of metal may not be arbitrarily used to represent a component such as a capacitor, resistor or inductor for purposes of structure or function without showing that the reference intended such usage. As such, the Examiner's characterization of the function or structure of pad 22 is ambiguous as to function and

thus cannot be an intrinsic property. To the extent that the Examiner intended the "notice" to be an "Official Notice", the Applicants respectfully traverse the use of "Official Notice" in this rejection and respectfully request that the Examiner provide either a suitable reference for the assertion or an affidavit giving the reasons that the Examiner has come to the conclusions stated.

The Applicants respectfully submit that Libous does not teach the arrangement of amended Claim 1, and the claim is not anticipated. Claims 2-10 and 12-22 are allowable, without more, as claims dependent on an allowable independent claim.

**35 U.S.C. § 103(a)**

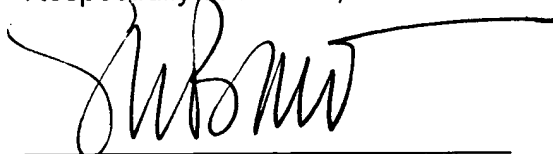
Claims 4-6 and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Libous in view of Smith (US 6,53,313; "Smith"). Smith is not cited to overcome the deficiencies of Libous as applied to Claim 1 and that, as Claim 1 is allowable, Claims 4-6 and 11-12 are allowable as dependent claims.

**Conclusion**

Claims 1-21 are pending. New Claims 60-68 have been introduced.

For at least the presented herein and in view of the amendments, the Applicants respectfully submit that the application is in condition for allowance. The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sid Bennett', written over a horizontal line.

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